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SECRETARIAT
OF
THE ODISHA LEGISLATIVE ASSEMBLY
NOTIFICATION

The 6th April, 2019

No.2166 /L.A.– The following decision, dated the 6th April, 2019 of the Speaker, Odisha Legislative Assembly given under paragraph 6 of the Tenth Schedule to the Constitution of India is hereby notified and published for general information:-

**DECISION OF THE SPEAKER, ODISHA LEGISLATIVE ASSEMBLY UNDER
PARAGRAPH 6 OF THE TENTH SCHEDULE TO THE CONSTITUTION OF INDIA**

Shri Amar Prasad Satpathy, Hon'ble Government Chief Whip made a petition on 23.03.2019 under Rule 6 of the Members of Odisha Legislative Assembly (Disqualification on ground of defection) Rules, 1987 framed under paragraph 8 of the Tenth schedule to the Constitution of India praying that Shri Debaraj Mohanty a Member of the Odisha Legislative Assembly has become subject to disqualification as per the provision contained in paragraph 2(1)(a) of the Tenth schedule to the Constitution of India as he has voluntarily given up primary membership from BJD Party in which ticket he was elected to the Odisha Legislative Assembly.

On consideration of the petition I found that the petition complies with the requirement of Rule-6 of the Members of Odisha Legislative Assembly (Disqualification on ground of defection) Rules, 1987 and accordingly the copies of the petition and Annexure thereto were forwarded to Shri Debaraj Mohanty, MLA under Rule 7(3)(a) of the above Rules. Shri Debaraj Mohanty, MLA did not respond to the petition. Thereafter he was asked to appear before me at 3.00 PM on 06.04.2019 for personal hearing. He did not appear before me nor responded to the communication in this regard.

Taking into account the aspect of non response of Shri Debaraj Mohanty, MLA to furnish his comments on the above petition and his non appearance before me for personal hearing, I rely on the petition made by Shri Amar Prasad Satpathy, Hon'ble Govt. Chief Whip and hold that Shri Debaraj Mohanty, MLA has voluntarily given up his membership of BJD party which attracts the rigour of disqualification on ground of defection contained in Paragraph 2(1)(a) of the Tenth schedule to the Constitution of India. Therefore in exercise of powers conferred upon me under paragraph 6(1) of the Tenth schedule to the Constitution of India. I, hereby decide, declare and order as follows: -

ORDER

In exercise of powers conferred upon me under paragraph 6(1) of the Tenth Schedule to the Constitution of India. I Pradip Kumar Amat, Speaker, Odisha Legislative Assembly hereby declare that Shri Debaraj Mohanty, an elected member of the Odisha Legislative Assembly from 128-Aska Assembly Constituency, has incurred disqualification in terms of paragraph 2(1)(a) of the said schedule for being a member of Odisha Legislative Assembly. Accordingly, Shri Debaraj Mohanty has ceased to be a Member of the Odisha Legislative Assembly with immediate effect and his seat in the Odisha Legislative Assembly shall thereupon fall vacant.

PRADIP KUMAR AMAT
SPEAKER
Dated 6.4.2019

SISIRKANTA SWAIN
SECRETARY-IN-CHARGE
ODISHA LEGISLATIVE ASSEMBLY